

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-THIRD LEGISLATURE

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THIRTY-THIRD LEGISLATIVE DAY  
FRIDAY, FEBRUARY 12, 2016

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10:45 a.m.

Roll call showed all members present except Senator Lodge, absent and excused.

Prayer was offered by Father John Worster.

The Pledge of Allegiance was led by Hannah Sturtevant, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 11, 2016, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

#### SCR 139

#### BY EDUCATION COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION RELATING TO RULES GOVERNING THOROUGHNESS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the State Board of and State Department of Education relating to Rules Governing Thoroughness is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein,

that IDAPA 08.02.03, Rules of the State Board of and State Department of Education, Rules Governing Thoroughness, adopted as a pending rule under Docket Number 08-0203-1503, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

#### SCR 140

#### BY EDUCATION COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION RELATING TO RULES GOVERNING THOROUGHNESS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the State Board of and State Department of Education relating to Rules Governing Thoroughness is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 08.02.03, Rules of the State Board of and State Department of Education, Rules Governing Thoroughness, adopted as a pending rule under Docket Number 08-0203-1506, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

#### SCR 141

#### BY EDUCATION COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION RELATING TO RULES GOVERNING THOROUGHNESS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the State Board of and State Department of Education relating to Rules Governing Thoroughness is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 08.02.03, Rules of the State Board of and State Department of Education, Rules Governing Thoroughness, adopted as a pending rule under Docket Number 08-0203-1511, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

[SCR 139](#), [SCR 140](#), and [SCR 141](#) were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

February 12, 2016

The JUDICIARY AND RULES Committee reports that [SCR 138](#), [SJM 104](#), [S 1300](#), [S 1301](#), [S 1302](#), [S 1303](#), [S 1304](#), [S 1305](#), [S 1306](#), [S 1307](#), [S 1308](#), and [S 1309](#) have been correctly printed.

LODGE, Chairman

[SCR 138](#) and [SJM 104](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

[S 1300](#), [S 1301](#), [S 1302](#), and [S 1303](#) were referred to the Judiciary and Rules Committee.

[S 1304](#), [S 1305](#), and [S 1306](#) were referred to the Resources and Environment Committee.

[S 1307](#) and [S 1308](#) were referred to the Education Committee.

[S 1309](#) was referred to the Agricultural Affairs Committee.

Senator Lodge was recorded present at this order of business.

February 11, 2016

The FINANCE Committee reports out [H 445](#) and [H 446](#) with the recommendation that they do pass.

KEOUGH, Chairman

[H 445](#) and [H 446](#) were filed for second reading.

February 11, 2016

The TRANSPORTATION Committee reports out [H 385](#) and [S 1262](#) with the recommendation that they do pass.

BRACKETT, Chairman

[H 385](#) and [S 1262](#) were filed for second reading.

February 11, 2016

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1265](#) with the recommendation that it do pass.

PATRICK, Chairman

[S 1265](#) was filed for second reading.

February 11, 2016

The HEALTH AND WELFARE Committee reports out [S 1231](#) with the recommendation that it do pass.

HEIDER, Chairman

[S 1231](#) was filed for second reading.

February 12, 2016

The STATE AFFAIRS Committee reports out [SJR 101](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[SJR 101](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

**Messages from the House**

February 11, 2016

Dear Mr. President:

I transmit herewith [H 432](#) and [H 426](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 432](#) and [H 426](#) were filed for first reading.

February 11, 2016

Dear Mr. President:

I transmit herewith Enrolled [H 345](#), [H 347](#), [H 348](#), [H 353](#), [H 358](#), [H 361](#), and [H 403](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 345](#), [H 347](#), [H 348](#), [H 353](#), [H 358](#), [H 361](#), and [H 403](#) and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

On request by Senator Davis, granted by unanimous consent, the Senate went at ease and resolved itself into the Committee for the Lincoln Day Service.

The Lincoln Day Program was presented to the members of the Senate with Co-chairman Senator Lee providing opening remarks. The prayer was offered by Senator Harris.

"The Star-Spangled Banner" was performed by Milayni Stephens. The Senate Pages offered their favorite Lincoln quotes. "America the Beautiful" was performed by Milayni Stephens.

Closing remarks were provided by Co-chairman Senator Souza. She extended gratitude to all who helped with the program and the Lincoln Day Service was dissolved.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials****S 1310****BY TRANSPORTATION COMMITTEE****AN ACT**

RELATING TO DYED FUEL; AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-675, IDAHO CODE, TO PROVIDE THAT ANY VEHICLE SHALL BE SUBJECT TO INSPECTION FOR DYED DIESEL FUEL IN THE MOTOR VEHICLE'S DIESEL FUEL TANK UNDER SPECIFIED CONDITIONS.

**S 1311****BY TRANSPORTATION COMMITTEE****AN ACT**

RELATING TO VEHICLES; AMENDING SECTION 49-457, IDAHO CODE, TO PROVIDE AN EXCEPTION REGARDING FEES FOR ELECTRIC VEHICLES, TO REMOVE FEE PROVISIONS REGARDING HYBRID VEHICLES AND TO REMOVE A DEFINITION.

**S 1312**  
**BY TRANSPORTATION COMMITTEE**  
 AN ACT

RELATING TO SAFETY RESTRAINTS; AMENDING SECTION 49-673, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE ISSUANCE OF A CERTAIN WARNING AND OF A CERTAIN CITATION, TO INCREASE A CERTAIN FINE AMOUNT AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 49-673, IDAHO CODE, RELATING TO SAFETY RESTRAINT USE; AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-673, IDAHO CODE, REGARDING SAFETY RESTRAINT USE; AND PROVIDING AN EFFECTIVE DATE.

**S 1313**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
 AN ACT

RELATING TO INSURANCE; AMENDING CHAPTER 13, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1328E, IDAHO CODE, TO PROHIBIT UNFAIR PRACTICES BY INSURANCE COMPANIES IN AUTO BODY REPAIR, WITH EXCEPTIONS.

**S 1314**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
 AN ACT

RELATING TO TRUST INSTITUTIONS; AMENDING SECTION 26-3205, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS ACTING AS A TRUSTEE SHALL NOT REQUIRE A CHARTER.

**S 1315**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
 AN ACT

RELATING TO FORECLOSURE; AMENDING SECTION 45-1506, IDAHO CODE, TO PROVIDE THAT A PURCHASER AT A TRUSTEE'S SALE SHALL BE ENTITLED TO DISPOSE OF ANY NONTITLED PERSONAL PROPERTY UNDER CERTAIN CONDITIONS AND TO MAKE TECHNICAL CORRECTIONS.

**S 1316**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
 AN ACT

RELATING TO INSURANCE; AMENDING CHAPTER 18, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1830, IDAHO CODE, TO PROVIDE THAT LIFE INSURERS SHALL OFFER LAPSE OR TERMINATION PROTECTION TO HOLDERS OF LIFE INSURANCE POLICIES.

**S 1317**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
 AN ACT

RELATING TO HOMEOWNER'S ASSOCIATIONS; AMENDING SECTION 55-115, IDAHO CODE, TO PROVIDE THAT ATTORNEY'S FEES AND COSTS MAY BE COLLECTED, AND A LIEN FILED FOR ATTORNEY'S FEES AND COSTS BY A HOMEOWNER'S ASSOCIATION, ONLY AFTER BEING AWARDED IN AN AMOUNT FOUND

TO BE REASONABLE BY A COURT OF COMPETENT JURISDICTION.

**S 1318**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
 AN ACT

RELATING TO THE IDAHO APPRAISAL MANAGEMENT COMPANY REGISTRATION AND REGULATION ACT; AMENDING CHAPTER 41, TITLE 54, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 54-4120 THROUGH 54-4134, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE SCOPE, TO DEFINE TERMS, TO PROVIDE FOR AN APPRAISAL PANEL AND ANNUAL SIZE CALCULATION; TO PROVIDE THAT APPRAISAL MANAGEMENT COMPANIES SHALL REGISTER WITH THE REAL ESTATE APPRAISER BOARD AND TO PROVIDE REQUIREMENTS FOR REGISTRATION, TO PROVIDE FOR EXEMPTIONS, TO PROVIDE REQUIREMENTS FOR OWNERSHIP AND FOR CONTROLLING PERSONS, TO PROVIDE FOR LIMITATIONS ON AGREEMENTS, TO PROVIDE FOR APPRAISER ENGAGEMENT, TO PROVIDE FOR APPRAISAL REVIEW, TO PROVIDE FOR APPRAISER COMPENSATION, TO PROVIDE FOR APPRAISER INDEPENDENCE, TO PROVIDE FOR ADDITIONAL POWERS OF THE BOARD, TO PROVIDE FOR ENFORCEMENT BY THE BOARD AND TO PROVIDE FEDERAL REGISTRY REQUIREMENTS.

**S 1319**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
 AN ACT

RELATING TO STATE EMPLOYEE HEALTH PLANS; AMENDING SECTION 67-5761B, IDAHO CODE, TO CLARIFY THAT THE DEPARTMENT OF ADMINISTRATION SHALL OFFER A HEALTH SAVINGS ACCOUNT PROGRAM AND TO PROVIDE THAT STATE EMPLOYERS SHALL DEPOSIT A CERTAIN AMOUNT INTO A HEALTH SAVINGS ACCOUNT; AND PROVIDING AN EFFECTIVE DATE.

**S 1320**  
**BY EDUCATION COMMITTEE**  
 AN ACT

RELATING TO GENERAL POWERS OF THE BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICTS; AMENDING SECTION 33-2107, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO CLARIFY CERTAIN POWERS OF THE BOARD OF TRUSTEES OF EACH COMMUNITY COLLEGE DISTRICT AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-2211, IDAHO CODE, TO PROVIDE CODE REFERENCES.

**S 1321**  
**BY EDUCATION COMMITTEE**  
 AN ACT

RELATING TO PUBLIC SCHOOL INSTRUCTION; REPEALING SECTION 33-1604, IDAHO CODE, RELATING TO BIBLE READING IN THE PUBLIC SCHOOLS; AND AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1604, IDAHO CODE, TO PROVIDE WHEN THE BIBLE IS PERMITTED TO BE USED IN THE PUBLIC SCHOOLS.

**S 1322****BY HEALTH AND WELFARE COMMITTEE****AN ACT**

RELATING TO EPINEPHRINE AUTO-INJECTORS; AMENDING SECTION 54-1704, IDAHO CODE, TO PROVIDE THAT THE PRACTICE OF PHARMACY INCLUDES PRESCRIBING EPINEPHRINE AUTO-INJECTORS; AMENDING SECTION 54-1732, IDAHO CODE, TO REVISE PROVISIONS REGARDING VIOLATIONS AND PENALTIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1733, IDAHO CODE, TO REVISE PROVISIONS REGARDING VALIDITY OF PRESCRIPTION DRUG ORDERS AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1733C, IDAHO CODE, TO PROVIDE THAT EPINEPHRINE AUTO-INJECTORS MAY BE PRESCRIBED AND DISPENSED TO CERTAIN ENTITIES, TO PROVIDE THAT CERTAIN ENTITIES MAY STOCK EPINEPHRINE AUTO-INJECTORS, TO PROVIDE THAT EPINEPHRINE AUTO-INJECTORS MAY BE PROVIDED OR ADMINISTERED TO CERTAIN PERSONS, TO REQUIRE TRAINING, TO PROVIDE THAT CERTAIN PERSONS ARE EXEMPT FROM TRAINING, TO PROVIDE IMMUNITY, TO REQUIRE DISPOSAL OF OUTDATED PRODUCT AND TO DEFINE TERMS; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1733D, IDAHO CODE, TO PROVIDE THAT PHARMACISTS OR PRESCRIBERS MAY PRESCRIBE EPINEPHRINE AUTO-INJECTORS TO CERTAIN PERSONS; AND AMENDING SECTION 54-1734, IDAHO CODE, TO REVISE PROVISIONS REGARDING POSSESSION OF LEGEND DRUGS.

**S 1323****BY STATE AFFAIRS COMMITTEE****AN ACT**

RELATING TO THE IDAHO STATE INDEPENDENT LIVING COUNCIL; AMENDING SECTION 56-1203, IDAHO CODE, TO REVISE A REFERENCE TO A FEDERAL LAW; AMENDING SECTION 56-1204, IDAHO CODE, TO REVISE A REFERENCE TO A FEDERAL LAW; AND AMENDING SECTION 56-1205, IDAHO CODE, TO REVISE LANGUAGE REGARDING FUNDING OF THE STATE INDEPENDENT LIVING COUNCIL.

**S 1324****BY STATE AFFAIRS COMMITTEE****AN ACT**

RELATING TO WINERIES; AMENDING SECTION 23-1334, IDAHO CODE, TO ALLOW PERSONS UNDER THE AGE OF TWENTY-ONE TO ENTER OR BE ON THE PREMISES OF A WINERY.

**S 1325****BY STATE AFFAIRS COMMITTEE****AN ACT**

RELATING TO REGULATORY TAKINGS; AMENDING SECTION 67-8003, IDAHO CODE, TO PROVIDE THAT AN OWNER OF PRIVATE PROPERTY MAY SUBMIT A WRITTEN REQUEST FOR A REGULATORY TAKINGS ANALYSIS WITH THE CLERK OR THE AGENCY OR ENTITY UNDERTAKING THE REGULATORY OR ADMINISTRATIVE ACTION AND TO PROVIDE THAT A PRIVATE PROPERTY OWNER IS NOT REQUIRED

TO SUBMIT A REQUEST UNDER THE REGULATORY TAKINGS CHAPTER AND THE FAILURE TO SUBMIT A WRITTEN REQUEST SHALL NOT PREVENT OR PROHIBIT THE PRIVATE PROPERTY OWNER FROM SEEKING ANY LEGAL OR EQUITABLE REMEDY INCLUDING, BUT NOT LIMITED TO, THE PAYMENT OF JUST COMPENSATION.

[S 1310, S 1311, S 1312, S 1313, S 1314, S 1315, S 1316, S 1317, S 1318, S 1319, S 1320, S 1321, S 1322, S 1323, S 1324,](#) and [S 1325](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 432](#), by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 426](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

[S 1222, S 1223, S 1224, S 1225,](#) and [S 1244](#), by Resources and Environment Committee, were read the second time at length and filed for third reading.

[S 1214](#) and [S 1258](#), by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:35 a.m. until the hour of 10:45 a.m., Monday, February 15, 2016.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary